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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,827	05/18/2007	Alastair Benn	198/45429/536-PCT-US	6755
279 7590 05/24/2010 TREXLER, BUSHNELL, GIANGIORGI, BLACKSTONE & MARR, LTD. 105 WEST ADAMS STREET SUITE 3600 CHICAGO, IL 60603			EXAMINER MAYE, AYUB A	
			ART UNIT 3742	PAPER NUMBER
			NOTIFICATION DATE 05/24/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptodocket@trexlaw.com

Office Action Summary

Application No.

10/597,827

Applicant(s)

BENN, ALASTAIR

Examiner

AYUB MAYE

Art Unit

3742

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 01/19/2010 have been fully considered but they are not persuasive as for the following reasons:

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-20 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "such as" recited at line 1 renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d). Claim 1 recites a heating device, such as a radiator or towel rail. Such limitation renders the claim indefinite.

Regarding claim 1, the phrase "similar or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).). Claim 1 recites incorporating a screen of a TV or similar visual display device. Such limitation renders the claim indefinite.

Claim 1 recites the limitations "the principle of a two mirror" in line 4. There is insufficient antecedent basis for these limitations in the claims. It is unclear what the principle is. Applicant needs to define the principle.

In general, the claims are replete with such 35 U.S.C. 112, second paragraph issues. The above notes are exemplary with respect to all of the 35 U.S.C. 112, second paragraph rejections present in the instant case, all claims must be carefully reviewed and appropriate corrections should be made in response to this rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-12, 14-17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over (Applicant IDS WO 03/081905) in view of Hasegawa et al (JP-02285172).

For claim 1, WO 03/081905 teaches that a heating device, such as radiator or towel rail (par.13), particularly for installation in a bathroom such as a hotel bathroom, incorporating a screen of a TV or similar visual display device with either built in, or separate speakers (fig.1). For claim 2, WO 03/081905 teaches that wherein said heating device is heatable electrically (par.13 and 15). For claim 3, WO 03/081905 teaches that wherein said heating device is adapted to be connected to a (water filled) central heating system and hence is of any industry-standard length to enable use to be made of existing piping/connections with minimal plumbing work of heating device (par.13 and 15) (fig.1). For claim 4, WO 03/081905 teaches that wherein the said visual display is inset into the said heating device, such that said visual display, or substantially so, with a surface of the said heating device (par.13 and 15) (fig.1). For claim 5, WO 03/081905 teaches that wherein said visual display device is surface mounted onto, or into, said heating device (par.13 and 15) (fig.1). For claim 6, WO 03/081905 teaches that wherein said visual display device, is attached to a back box (fig.1). For claim 7, WO 03/081905 teaches that wherein speakers and power supply means are also attached to the back box (par.12) (fig.1). For claim 8, WO 03/081905 teaches that wherein a cable entry/exit hole is provided in the back box (fig.1). For claim 10, WO 03/081905 teaches that wherein an open front of the back box is closed off by a glass screen (fig.1). For claim 11, WO 03/081905 teaches that wherein the

engagement of the glass screen and the back box is in a water and vapour sealing manner (fig.1). For claim 14, WO 03/081905 teaches that wherein the back box is fixed to a frame portion of said heating device (fig.1). For claim 15, WO 03/081905 teaches that wherein said visual display device is remotely controlled (fig.1). For claim 16, WO 03/081905 teaches that wherein the TV or similar device is provided with manual buttons/knobs (fig.1) (par.12-15). For claim 17, WO 03/081905 teaches that wherein the buttons/knobs are remotely mounted (fig.1) (par.12-15). For claim 20, WO 03/081905 teaches that wherein the radiator/towel rail unit is IP (ingress protector) rated to enable it to be moisture resistant or even waterproof (par.9) (fig.1). However, WO 03/081905 fails to teach a mirror vision covering the screen that is located inner surface of the glass screen.

Hasegawa teaches that a mirror vision covering the screen that is located inner surface of the glass screen (abstract) (fig.3 and 5). It would have been obvious to one ordinary skill in the art to modify WO 03/081905 with mirror vision as taught by Hasegawa in order to eliminate a sense of incompatibility in the bathroom (Hasegawa, abstract).

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over (Applicant IDS WO 03/081905) in view of Hasegawa et al (JP-02285172) and further in view of Berenstein (5090300).

WO 03/081905, as modified by Hasegawa, teaches all the limitation as previously set forth except for a black PVC layer that is located at the inner surface of the mirror vision film.

Berenstein teaches that black PVC layer that is located at the inner surface of the mirror vision film (col.3, lines 50-65). It would have been obvious to one ordinary skill in the art to modify WO 03/081905, as modified by Hasegawa, with PVC layer as taught by Berenstein in order To enhance practicality, work efficiency and handle-ability.

Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over (Applicant IDS WO 03/081905) in view of Hasegawa et al (JP-02285172) and further in view of Yee et al (5210611).

WO 03/081905, as modified by Hasegawa, teaches all the limitation as previously set forth except for said visual display is controlled by computer or touch sensor.

However, Yee teaches that said visual display is controlled by computer or touch sensor (col.13, lines 45-65).). It would have been obvious to one ordinary skill in the art to modify WO 03/081905, as modified by Hasegawa, with computer and touch sensor as taught by Yee in order to allow a user with direct access to information which is not restricted to one broadcast channel or line cluster within that channel (Yee, col.4, lines 3-7).

Remarks

Applicant argues that WO 03/081905 fails to teach heating device. However, examiner respectfully disagrees with applicant because WO 03/081905 teaches that a heating circuit or device that is arranged as an internal heater to elevate the internal temperature of the entire enclosure which includes the monitor screen of the television unit given broadest reasonable interpretation. Again, it is the Examiner's position that Applicant has not yet submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in manner, which distinguishes over the prior art. As it is Applicant's right to continue to claim as broadly as possible their invention. It is also the Examiner's right to continue to interpret the claim language as broadly as possible. Therefore, it is advised that, in order to further expedite the prosecution of the application in response to this action, Applicant should amend the base claims to describe in more narrow detail the true distinguishing features of Applicant's claim invention.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AYUB MAYE whose telephone number is (571)270-5037. The examiner can normally be reached on 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Ba Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A.M.

/Ayub Maye/
Examiner, Art Unit 3742
/TU B HOANG/
Supervisory Patent Examiner, Art Unit 3742